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December 7, 2007

VIA FACSIMILE

Honorable Charles L. Brieant, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York, 10601

Re: Anne Bryant vs. Europadisk, *et al.*
Index No. 07-CIV-3050

Dear Honorable Judge Brieant:

We represent Plaintiffs and request an informal conference with the Court to resolve three issues pertaining to discovery and pleadings that have arisen.

Issue One: Venue For Depositions

Although Plaintiffs Anne Bryant and Ellen Bernfeld resided in the New York area at the time of the underlying events, they now reside in Florida. Pursuant to Defendants' Notice, it was mutually agreed that the deposition of Anne Bryant would proceed on December 6, 2007 at our New Jersey office in Montvale, New Jersey. Ms. Bryant appeared for the deposition on December 6, 2007 in New Jersey, however, the deposition did not occur. While there was a temporary request to adjourn the December 6, 2007 deposition of Anne Bryant in furtherance of settlement talks on December 5, 2007 after the unsuccessful mediation, it appears that settlement without further discovery would not be possible at that time.

As such, we notified Defense Counsel on December 5, 2007 at approximately 5:30 p.m. via telephone and email to proceed with the scheduled December 6, 2007. At that time, we were informed by Defense Counsel that they had cancelled the deposition and were now only interested in taking the deposition of Ellen Bernfeld, in New York during the week before Christmas and Anne Bryant's deposition sometime thereafter. Despite our request to have these depositions taken by telephone or by videoconference,

so as not to inconvenience the witnesses, Counsel for the Defendant refused and advised that the depositions must occur only in New York during the week of December 21, 2007. Plaintiff Ellen Bernfeld is the primary caregiver for her elderly mother and it would be exceptionally burdensome to force Ms. Bernfeld to travel to New York and leave her elderly mother without adequate care.

Issue Two: Defendants' Failure To Comply With Rule 34(b)

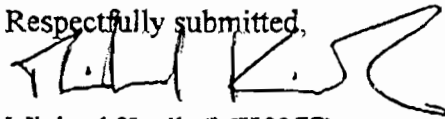
The documents provided by Defendants in response to Plaintiffs' document production request dated September 18, 2007 do not comply with Rule 34(b). Specifically, none of the documents have been produced in an organized fashion or labeled to correspond with the categories and specific requests in the September 18, 2007 demand. Rather, what was received under two separate e-mail attachments were photocopies of documents, some of which are completely illegible, documents which appear to be spreadsheets that may or may not be responsive to Plaintiffs' demands and other miscellaneous items totaling approximate 32 pages that are not presented in any format that satisfy the Rules of this Court. We advised Defendants that their production was deficient but have had no response.

Issue Three: Defendants' Answer Fails to Comply With Rule 11.

Defendant's Answer on file with the Court is unsigned. On November 7, 2007, I wrote to Defense Counsel to advise that the Answer was unsigned and did not meet the criteria set forth in F.R.C.P. Rule 11. No response with respect to the Answer was received and the Answer remains unsigned today. See Docket No. 19.

We believe that each of these issues can be addressed and resolved via an informal conference and request said conference to allow discovery to move forward so that this matter can be resolved.

Respectfully submitted,



Michael Korik (MK0377)

cc: Mitchell Shelowitz, Esq.